



RCE/1636/10

PTO/SB/80 (08-00)

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/404,448
Filing Date	September 22, 1999
First Named Inventor	Barry J. Byrne
Group Art Unit	1636
Examiner Name	Gerald Leffers, Jr.
Attorney Docket Number	4300.012100

TECH CENTER 1500/2900

SEP 06 2001

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RCE  
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This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☒ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of three months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☒ Other Request for Extension of Time

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0786/4300.012100
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☒ Other Additional fees if check is missing or insufficient
- b. ☒ Check in the amount of \$ 930.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

09/05/2001 RHARIS1 00000084 09404448

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355.00 OP

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Mark D. Moore, Ph.D.	Registration No. (Attorney/Agent)	42,903
Signature		Date	August 28, 2001

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	Mark D. Moore, Ph.D.	Date	August 28, 2001
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.



CERTIFICATE OF MAILING  
37 C.F.R. § 1.8

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August 28, 2001  
Date

*Mark D. Moore*  
Mark D. Moore

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#14/

PATENT

*Suspension  
LTR.*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BARRY J. BYRNE  
JAMES E. CONWAY  
GARY S. HAYWARD  
NICHOLAS MUZYCZKA  
SERGEI ZOLOTUKHIN

Group Art Unit: 1636

Examiner: Gerald Leffers, Jr.

Atty. Dkt. No.: 4300.012100

Serial No.: 09/404,448

Filed: September 22, 1999

For: METHODS FOR LARGE-SCALE  
PRODUCTION OF RECOMBINANT  
AAV VECTORS

**REQUEST FOR LIMITED SUSPENSION OF ACTION  
AFTER A REQUEST FOR CONTINUED EXAMINATION (RCE)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.103(c), Applicants request a limited suspension of action of three months after filing a Request for Continued Examination in compliance with 37 C.F.R. § 1.114.

The present request for suspension of action is proper as it is filed with the request for continued examination under 37 C.F.R. § 1.114, specifies a period of suspension (three months) and includes the processing fee set forth in 37 C.F.R. § 1.17(i).

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Pursuant to 37 C.F.R. § 1.17(i), a check in the amount of \$930.00 is enclosed, which includes the process fee (\$130.00) for a request under 37 C.F.R. § 1.103(c). If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Assistant Commissioner is authorized to deduct said fees from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4300.012100.

Respectfully submitted,

Date: August 28, 2001



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Mark D. Moore  
Reg. No. 42,903  
WILLIAMS, MORGAN & AMERSON  
7676 Hillmont, Suite 250  
Houston, Texas 77040  
(713) 934-4084  
(713) 934-7011 (facsimile)

AGENT FOR APPLICANTS



CERTIFICATE OF MAILING  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:

August 28, 2001  
Date

  
Mark D. Moore

#15/K.T.  
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suppl.  
PATENT 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BARRY J. BYRNE  
JAMES E. CONWAY  
GARY S. HAYWARD  
NICHOLAS MUZYCZKA  
SERGEI ZOLOTUKHIN

Group Art Unit: 1636

Examiner: Gerald Leffers, Jr.

Atty. Dkt. No.: 4300.012100

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Filed: September 22, 1999

For: METHODS FOR LARGE-SCALE  
PRODUCTION OF RECOMBINANT AAV  
VECTORS

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**REQUEST FOR CONTINUED EXAMINATION; AMENDMENT; RESPONSE TO  
FINAL OFFICE ACTION DATED FEBRUARY 28, 2001**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The Examiner is respectfully requested to enter the accompanying Request for Continued Examination (RCE) and consider this response to the Final Official Action ("Final Action") which is timely submitted. Applicants believe that the present materials place the claims in condition for allowance, and re-examination and reconsideration is respectfully requested on this basis after the deferral requested herewith.